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News Release

MADISONVILLE MAN PLEADS GUILTY TO VIOLATING FEDERAL CHILD EXPLOITATION LAWS *More than 8000 images of child pornography found on his home computer*

BOWLING GREEN, Ky. — A Madisonville man pleaded guilty last week to numerous child exploitation violations, including possessing more than 8,000 images of child pornography on his computer, following an investigation by U.S. Immigration and Customs Enforcement (ICE).

Timothy Wayne Brackett, 24, of 225 Reed Ave., Madisonville, Ky., pleaded guilty Jan. 17 to numerous violations of federal child exploitation laws, according to an announcement by David L. Huber, U.S. Attorney for the Western District of Kentucky.

Brackett had been identified as being in an Internet Chat Room called “#100%Preteenboysexp.” Among the thousands of child pornography images stored on his computer was one showing Brackett sexually assaulting a boy under the age of 12.

Brackett faces a minimum of 15 years in prison, and depending upon a ruling by U.S. District Judge Joseph H. McKinley Jr., Brackett may face a mandatory life sentence. (The Court must first decide whether a previous juvenile adjudication against 17-year-old Brackett for first-degree sodomy should be counted as a prior conviction for purposes of enhancing his sentence under federal law.) Additionally, the Court may impose a \$4.5 million fine, and a term of supervised release, which could include life.

During the guilty plea hearing, Brackett acknowledged a factual basis for the charges against him. He admitted that at all times relevant to the charges in the superseding indictment he lived in Madisonville. From his residence, Brackett used a computer connected to the Internet to advertise, obtain, possess and distribute images of child pornography.

The case against Brackett began June 10, 2004. A detective with the Rockland County Sheriff's Department in New York, in an undercover capacity, accessed the Undernet IRC (Internet Relay Chat) Servers online to investigate individuals involved in transmitting and/or receiving child pornography. The detective accessed a portion of the IRC that allows subscribers to enter chat rooms that cover various topics including sexual activity involving children and trading pictures. While in a chat room titled "#100%Preteenboysexpiz," the detective observed an individual using the name "Shakes" who was operating a File Server, also known as an Fserve, through an IRC. Brackett admitted that he used the screen name "Shakes."

Brackett operated the Fserve and possessed, transferred and received child pornography. While operating the Fserve, Brackett knowingly caused the publication or noticing of an advertisement that was transmitted in interstate commerce, by computer, seeking and offering to receive, exchange, display, distribute and reproduce a visual depiction of a minor engaging in sexually explicit conduct. He caused the advertisements to be available on a continuing basis, and law enforcement observed the advertisement during specific days in June, July, August and September in 2004.

On June 10, 2004, the detective accessed the Fserve belonging to "Shakes" by typing a specific "trigger"/password — that is, "!Young-Boys." The detective thereafter accessed the Fserve and downloaded about 19 files of child pornography. A number of the files depicted persons under 18 years of age engaging in sexually explicit conduct.

Additionally, the detective viewed the statistics on the Fserve, which stated that it contained 3,151 files, had received 404 files, had sent 787 files, and had 65 visits. Timothy Brackett placed the advertisement for the Fserve, possessed the images of child pornography held in the Fserve, and distributed images of child pornography through the Fserve on or about June 10, 2004, from his computer in Madisonville.

After identifying Brackett and his location, the Rockland County Sheriff's Department contacted ICE special agents in Louisville, who immediately opened up a child pornography investigation.

On Oct. 26, 2004, ICE agents executed a federal search warrant on Brackett's Madisonville home and seized one laptop computer, computer accessories, a digital camera, storage media, and other related items from Brackett's bedroom.

ICE computer forensic analysts conducted a preliminary examination of the laptop seized from Brackett's bedroom and discovered numerous images depicting children under 18 years old engaging in sexually explicit conduct. Some images showed Brackett sexually assaulting a male child under the age of 12. An examination of the digital photo files, specifically, the meta data, revealed that some of the photographs had been taken during a three-week period before the search warrant. ICE agents located and seized a digital camera from Brackett's bedroom and determined that it was the same camera used to take the illegal photographs identified above. Furthermore, the date and time component of the digital camera revealed accurate settings.

ICE's forensic examination of Brackett's computer revealed that he possessed more than 8,000 images of child pornography (including videos and still images). The exam also revealed more than 300 images of "home made" child pornography — including numerous images of Brackett with a under-age boy. Brackett used a digital camera to produce the images of child pornography. The forensic computer examiner was able to determine production dates as well as the fact that the digital camera seized from Brackett's home was the same camera used to manufacture the images of child pornography.

Brackett knowingly used, persuaded, induced, enticed or coerced a minor to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct, knowing and having reason to know that the visual depictions would be transmitted in interstate commerce or had been produced using materials that had been mailed, shipped, or transported in interstate or foreign commerce. He engaged in this conduct on the following dates: Aug. 31, Sept. 3, and Dec. 26, 2003, and October 5, 2004.

"Those who sexually exploit children should no longer expect distance or the anonymity of cyberspace to protect them," said Jerry Phillips, resident agent-in-charge of ICE investigations in Louisville, Ky. "ICE is using all of its law enforcement authorities to combat this horrific behavior both here and abroad."

This child pornography investigation is part of ICE's Operation Predator, a nationwide initiative to safeguard children against Internet child pornographers, criminal alien sex offenders, child sex tourists, and human traffickers. Since Operation Predator was launched in July 2003, ICE special agents have arrested more than 6,900 individuals nationwide.

ICE encourages the public to report suspected child predators and any suspicious activity through its toll-free hotline at 1-866-DHS-2ICE. This hotline is staffed around the clock by investigators. Suspected child sexual exploitation or missing children may be reported to the National Center for Missing & Exploited Children, an Operation Predator partner, at 1-800-843-5678 or <http://www.cybertipline.com>.

Assistant U.S. Attorney Jo E. Lawless, Western District of Kentucky, is prosecuting this case. The Rockland County Sheriff's Department, in New City, N.Y.; the Kentucky State Police; and the Madisonville Police Department, assisted ICE in the investigation.

The plea was entered before U.S. District Judge Joseph H. McKinley Jr., in Bowling Green, Ky. Brackett is scheduled to be sentenced before Judge McKinley April 17.

ICE

U.S. Immigration and Customs Enforcement was established in March 2003 as the largest investigative arm of the Department of Homeland Security. ICE is comprised of four integrated divisions that form a 21st century law enforcement agency with broad responsibilities for a number of key homeland security priorities.